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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,988	07/13/2001	Tetsuya Kubo	33804	3818

116 7590 10/04/2005

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EXAMINER

KNOWLIN, THJUAN P

ART UNIT PAPER NUMBER

2642

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/904,988

Applicant(s)

KUBO ET AL.

Examiner

Thjuan P. Knowlin

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 21-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on June 27, 2005 has been entered. Claim 1 has been amended. Claims 19 and 20 have been cancelled. No claims have been added. Claims 1-18 and 21-24 are now pending in this application, with claims 1, 4, 9, 14, 17, 21, and 23 being independent.

### ***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-18 and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Murray et al (US 6,011,699).

4. In regards to claim 1, Murray discloses a portable radio device (See Fig. 1 and radiotelephone 100) comprising: a first casing (See Fig. 1 and bottom housing 108) including a front surface and a rear surface; a second casing (See Fig. 1 and top housing 102) including a front surface and a rear surface; a hinge portion (See Fig. 3 and hinge 376) to connect together the first and second casings respectively rotatable (See col. 4-5 lines 63-6 and col. 8 lines 9-19); a convex portion provided on the front surface of the first casing and protruded from the front surface of the first casing; and a concave portion provided on the front surface of the second casing; wherein the convex

portion is fitted in the concave portion when the first and second casings are folded (See col. 5 lines 54-65, col. 7 lines 11-14, and col. 8 lines 55-62).

5. In regards to claims 2, 11, 12, and 13, Murray disclose the portable radio device, wherein a telephone transmitter unit (See Fig. 3 and speaker 342) to detect sounds is accommodated in a space in the first casing formed by the convex portion (See col. 4 lines 38-39 and col. 9 lines 27-29).

6. In regards to claims 3, 15, and 16, Murray discloses the portable radio device, wherein a receiver unit (See Fig. 7 and microphone 734) to emit sounds is accommodated in a position of the concave portion (See col. 19 lines 35-41).

7. In regards to claims 4, 5, 6, 7, 8, 9, and 10, Murray discloses a portable radio device comprising: a first casing in which a primary circuit board is accommodated (See col. 12 lines 11-18); a second casing; and a hinge portion to connect together the first and second casings respectively rotatable (See col. 4-5 lines 63-6 and col. 8 lines 9-19); wherein, when the device is placed on the plane in the condition in which the second casing is opened from the first casing, a bottom surface of the first casing and a contact portion of the second casing are brought into contact with the plane (See col. 5 lines 54-65, col. 7 lines 11-14, and col. 8 lines 55-62).

8. In regards to claims 14, 17, 18, 19, 20, 21, 22, 23, and 24, Murray discloses a portable radio device comprising: a first casing in which an antenna (See Fig. 1 and antenna 116) and a primary circuit board are accommodated (See col. 4 lines 16-19); a second casing; a hinge portion to connect together the first and second casings respectively rotatable (See col. 4-5 lines 63-6 and col. 8 lines 9-19); an antenna

accommodation portion to accommodate the antenna provided along one side surface of the first casing (See col. 9-10 lines 66-3); and a battery pack (See Fig. 7 and battery 706) accommodation unit provided between the other side surface of the first casing the antenna accommodation portion (See col. 6 lines 27-42).

### ***Response to Arguments***

9. Applicant's arguments filed 06/27/05 have been fully considered but they are not persuasive. Applicant argues that Murray does not disclose or teach that, "the convex portion is fitted in the concave portion when the first and second casings are folded". Examiner respectfully disagrees with this argument. Murray does disclose and teach that, the convex portion is fitted in the concave portion when the first and second casings are folded (See Fig. 1, Fig. 2, Fig. 3, col. 5 lines 54-65, col. 7 lines 11-14, and col. 8 lines 55-62). Applicant states that Murray does not disclose or teach, "when the device is placed on the plane in the condition in which the second casing is opened from the first casing, a bottom surface of the first casing and a contact portion of the second casing are brought into contact with the plane". Murray, however, does disclose and teach, when the device is placed on the plane in the condition in which the second casing is opened from the first casing, a bottom surface of the first casing and a contact portion of the second casing are brought into contact with the plane (See col. 5 lines 54-65, col. 7 lines 11-14, and col. 8 lines 55-62). In regards to claim 14, Applicant states that Murray discloses a finger locator 124 on the top surface 122 of the top housing (col. 8, lines 35-46; Fig. 1), but does not disclose a concave portion formed on any part of an

antenna accommodation portion. However, Murray does disclose a concave portion formed on a part of an antenna (See Fig. 1 and antenna 116) accommodation portion (See col. 4 lines 16-19, col. 4-5 lines 63-6, and col. 8 lines 9-19). Applicant further argues that Murray fails to teach a battery pack accommodation unit provided between an antenna accommodation portion and the other side surface of the bottom housing. Examiner respectfully disagrees with this argument. Murray does teach a battery pack (See Fig. 7 and battery 706) accommodation unit provided between an antenna accommodation portion and the other side surface of the bottom housing (See col. 6 lines 27-42).

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

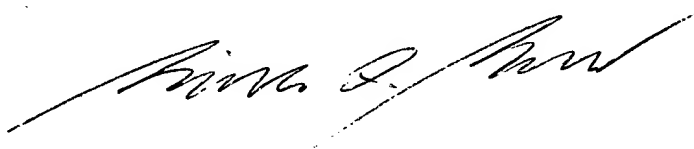
11. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin

A handwritten signature in black ink, appearing to read "Bing Q. Bui", written in a cursive style.

**BING Q. BUI**  
**PRIMARY EXAMINER**